

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**CRIMINAL APPLICATION (BA) 785 OF 2021**

(Ishant @ Vishal s/o. Sanjay Shambarkar..vs.. State, thr PSO, PS Ajni, Dist. Nagpur )

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*Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.*

*Court's or Judge's orders.*

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Mr. H.P. Lingayat, counsel for applicant.  
Mrs. K.R. Deshpande, APP for non-applicant/State.

**CORAM: ROHIT B. DEO, J.**  
**DATE:20.08.2021.**

Heard.

2. The applicant is seeking bail in connection with Crime 112/2021, registered with Police Station Ajni, Dist. Nagpur, for offences punishable under sections 302, 307, 143, 144, 147, 148, 149 of Indian Penal Code, section 4,25 of Indian Arms Act and section 135 of Maharashtra Police Act.

3. The crime is registered on the basis of report lodged by Mrs. Rohini, who is the wife of deceased Mr. Amar Shelke.

4. The report alleges that the informant suspected that the deceased and one Ms. Nikita were in illicit

relationship. The report then refers to certain incidents and the fact that the deceased and Ms. Nikita were seen together in the afternoon of 2.3.2021. It is alleged that Ms. Nikita's brother Nitesh called the informant to his house and told her that he had also called her husband Mr. Amar. When she went to the house of Nikita's brother, in addition to co-accused Sunayan Kharche who was standing outside the house, she noticed two unidentified persons. According to the informant, certain unpleasant exchanges took place between her and Nikita and ultimately Nikita's brother Nitesh started assaulting her husband Mr. Amar by fists and blows, then Sunayan Kharche came inside the house and handed over to Nitesh a sharp aged weapon with which Nitesh assaulted Mr. Amar. The informant then states that one unidentified friend then took the weapon from Nitesh and assaulted Mr. Amar and the other unidentified friend assaulted Mr. Amar with an iron rod.

5. Nothing is recovered from the applicant. In the Test Identification Parade Mrs. Rohini has identified three persons. In the context of her version that only two

unidentified persons participated in the assault, it is not clear who is the third person who according to Mrs. Rohini was present and yet did not participate in the assault.

6. Be that as it may, no supplementary statement appears to have been recorded after the Test Identification Parade with the result that it is not known as to who according to Mrs. Rohini is the person who took the weapon from Nitesh and assaulted Mr. Amar or for that matter who is the person who assaulted Mr. Amar with iron rod.

7. It is not the case of the prosecution that the applicant has criminal antecedents or that he is likely to pose flight risk. Considering the material on record, a case for bail is made out.

8. The applicant be released on bail in connection with Crime 112/2021, registered with Police Station Ajni, Dist. Nagpur, for offences punishable under sections 302, 307, 143, 144, 147, 148, 149 of Indian Penal Code, section

4,25 of Indian Arms Act and section 135 of Maharashtra Police Act, on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with one solvent surety of the like amount.

9. The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.

10. The applicant shall not leave the country without the permission of the trial Court.

**Judge**

Belkhede